

**STATE OF ILLINOIS  
SECRETARY OF STATE  
DEPARTMENT OF SECURITIES**

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IN THE MATTER OF: DEBORAH ELLEN ROMARY

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File No: C0200269

**NOTICE OF HEARING**

TO THE RESPONDENT:

Deborah Ellen Romary  
2109 Lake Ridge Drive  
Fort Wayne, Indiana 46804  
CRD#1112258

111 East Ludwig Road Suite 109  
Fort Wayne, Indiana 46825

You are hereby notified that, pursuant to Section 11.F of the Illinois Securities Law of 1953 (815 ILCS 5) ("the Act") and 14 Ill. Adm. Code 130, Subpart K (the "Rules"), a public hearing will be held at 69 West Washington Street, Suite 1220, Chicago, Illinois 60602, on the 2nd day of April, 2003 at 10:00 am, or as soon thereafter as counsel may be heard, before Richard M. Cohen, Esq., or another duly designated Hearing Officer of the Secretary of State.

Said hearing will be held to determine whether an Order shall be entered revoking Deborah Ellen Romary's (the "Respondent") registration as a salesperson in the State of Illinois and/or granting such other relief as may be authorized under the Act including but not limited to the imposition of a monetary fine in the maximum amount pursuant to Section 11.E(4) of the Act, payable within ten (10) business days of the entry of the Order.

The grounds for such proposed action are as follows:

1. At all relevant times, the Respondent was registered with the Secretary of State as a salesperson in the State of Illinois pursuant to Section 8 of the Act.
2. That on March 4, 2002 NASD Regulation, Inc (NASDR) entered a Letter of Acceptance, Waiver and Consent (AWC) submitted by the Respondent regarding FILE NO. C8A020013 which sanctioned the Respondent as follows:

- A. Ten business day suspension from association with any NASD member firm in any capacity; and
  - B. \$2,500 fine.
3. The AWC found that in December 2000 the Respondent knowingly recommended, to one customer, that he transfer money from the Lincoln Choice Plus variable annuity to the First Variable Life variable annuity. Respondent did not have a reasonable basis for this recommendation. The customer followed Respondent's recommendation. As a result, the customer incurred a surrender charge in the amount of \$12,479.00. Respondent's conduct was a violation of NASD Conduct Rule 2110 and 2310.
  4. That Section 8.E(1)(j) of the Act provides, *inter alia*, that the registration of a salesperson may be revoked if the Secretary of State finds that such salesperson has been suspended by any self-regulatory organization registered under the Federal 1934 Act or the Federal 1974 Act arising from any fraudulent or deceptive act or a practice in violation of any rule, regulation or standard duly promulgated by the self-regulatory organization.
  5. That NASDR is a self-regulatory organization as specified in Section 8.E(1)(j) of the Act.
  6. That by virtue of the foregoing, the Respondent's registration as a salesperson in the State of Illinois is subject to revocation pursuant to Section 8.E(1)(j) of the Act.

You are further notified that you are required pursuant to Section 1104 of the Rules to file an answer to the allegations outlined above, a Special Appearance pursuant to Section 1107 of the Rules, or other responsive pleading within thirty (30) days of the receipt of this notice. Your failure to do this within the prescribed time shall be deemed an admission of the allegations contained in the Notice of Hearing and waives your right to a hearing.

Furthermore, you may be represented by legal counsel; may present evidence; may cross-examine witnesses and otherwise participate. A failure to appear shall constitute default by you.

A copy of the Rules promulgated under the Act and pertaining to Hearings held by the Office of the Secretary of State, Securities Department is included with this Notice.

Notice of Hearing

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Delivery of notice to the designated representative of any Respondent constitutes service upon such Respondent.

Dated: This 18<sup>th</sup> day of February, 2003.

A handwritten signature in dark ink, appearing to read "Jesse White", followed by a slanted line and the initials "JW".

Jesse White  
Secretary of State  
State of Illinois

Attorneys for the Secretary of State:

Daniel Tunick  
Stephen J. Feldman  
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Chicago, Illinois 60602  
(312) 793-3384

Hearing Officer:

Richard M. Cohen

Leff, Cohen & Winkler  
303 West Madison Street  
Chicago, Illinois 60606  
(312) 782-2700